

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JAMES D. JOHNSON, et al.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:0cv251LN**

**HALEY BARBOUR, et al.**

**DEFENDANTS**

**DEFENDANTS' MOTION TO EXCEED PAGE LIMITATION FOR MEMORANDUM  
OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

COME NOW, Haley Barbour, et al., the Defendants, by and through counsel, and file this Motion to exceed the page limitation for memoranda of law in support of their Motion for Summary Judgment stating as follows:

1.

Rule 7.2 of the Uniform District Court Rules for the Northern and Southern District of Mississippi sets forth that the original and rebuttal memoranda together shall not exceed a total of thirty-five pages and that the Respondents' Memorandum shall not exceed thirty-five pages.

2.

This lawsuit addresses many significant constitutional and legal issues important to both the Plaintiffs and the State of Mississippi. To properly brief all of the necessary issues to be raised by the Motion for Summary Judgment, it will be necessary that the original and rebuttal memoranda exceed a total of thirty-five pages.

3.

The undersigned counsel is aware that excessively long filings are not proper and every effort will be made to be as concise as possible.

4.

Due to the self explanatory nature of this Motion, the Defendants respectfully request that they be relieved from filing a supporting memorandum of authorities.

**WHEREFORE, PREMISES CONSIDERED,** Haley Barbour, et al. respectfully request that this Court allow the Defendants Memoranda and Rebuttal Memoranda to exceed the thirty-five page limit.

**THIS,** the 1st day of March, 2006.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; and RICKIE FELDER as Director of the Division of Family and Children's Services**

BY: /s/ Dewitt L. ("Rusty") Fortenberry, Jr.

**OF COUNSEL:**

Attorney General Jim Hood  
State of Mississippi  
P.O. Box 220  
Jackson, MS 39205-0220

**McGLINCHEY STAFFORD, PLLC**  
Dewitt L. ("Rusty") Fortenberry, Jr. (MSB #5435)  
Gretchen L. Zmitrovich (MSB #101470)  
Ashley Tullos Young (MSB #101839)  
Kenya Key Rachal (MSB #99227)  
John T. Rouse (MSB #101586)  
City Centre South, Suite 1100  
200 South Lamar Street (39201)  
Post Office Drawer 22949  
Jackson, Mississippi 39225  
Telephone: (601) 960-8400  
Facsimile: (601) 352-7757

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

W. Wayne Drinkwater, Jr. Esq.  
Melody McAnally, Esq.  
BRADLEY ARANT ROSE & WHITE LLP  
Suite 450, One Jackson Place  
Post Office Box 1789  
Jackson, MS 39215

Stephen H. Leech, Esq.  
850 East River Place, Suite 300  
Jackson, Mississippi 39215

Eric E. Thompson, Esq.  
CHILDREN'S RIGHTS, INC.  
404 Park Avenue  
New York, New York 10016

Harold E. Pizzetta, III  
Special Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 220  
Jackson, MS 39205

I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

Marcia Robinson Lowry, Esq.  
Tara Crean, Esq.  
Erik S. Pitchal, Esq.  
Margaret Ross, Esq.  
CHILDREN'S RIGHTS, INC.  
404 Park Avenue  
New York, New York 10016

Eric S. Manne, Esq.  
John Piskora, Esq.  
LOEB & LOEB, LLP  
345 Park Avenue  
New York, NY 10154

**SO CERTIFIED**, this the 1<sup>st</sup> day of March, 2006.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.